

## 1991 No. 284

## CONSUMER PROTECTION

**Price Marking (Petrol Price Display) (Amendment) Order  
(Northern Ireland) 1991**

*Made* . . . . . 1st July 1991

*Coming into operation* . . . . . 1st August 1991

The Department of Economic Development, in exercise of the powers conferred by section 4 of the Prices Act 1974(a) and now vested in it(b) and of every other power enabling it in that behalf, having consulted(c), in such manner as appeared to it to be appropriate having regard to the subject-matter and urgency of the order, with such organisations representative of interests substantially affected by the order as appeared to it, having regard to those matters, to be appropriate, hereby makes the following Order:—

*Citation and commencement*

1. This Order may be cited as the Price Marking (Petrol Price Display) (Amendment) Order (Northern Ireland) 1991 and shall come into operation on 1st August 1991.

*Interpretation*

2. The Interpretation Act (Northern Ireland) 1954(d) shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

*Amendment of the Price Marking (Petrol Price Display) Order (Northern Ireland) 1980*

3. The Price Marking (Petrol Price Display) Order (Northern Ireland) 1980(e) shall be amended as provided by Articles 4 to 7.

*Interpretation of principal Order*

4.—(1) In Article 2(3)—

(a) the definition of “cash price” shall be omitted; and

(b) in the definition of “price” after “petrol” there shall be added the words

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(a) 1974 c. 24; section 4 was amended by the Price Commission Act 1977 (c. 33), section 16(1) to (3)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) See 1974 c. 24 sections 2(6), 4(3) and (5)

(d) 1954 c. 33 (N.I.)

(e) S.R. 1980 No. 337 as amended by S.R. 1989 No. 163

“and in Article 7(1)(b), Part I and paragraphs 4(3)(b) and 6 of the Schedule includes a price the amount of which is calculated by, or is dependent upon, some factor other than the measure of volume of the petrol supplied;”.

(2) After Article 2(3) there shall be added—

“(3A) References in Article 7(1) and in paragraph 4(3) of the Schedule to “method of payment” do not include a method of payment which is available only to persons having a pre-existing contractual or other connection with the person indicating the price in question or with some person connected with him, being a connection which relates principally to matters other than payment in respect of transactions between that person and the purchaser, and references in paragraph 4(3) of the Schedule to “different circumstances” and in paragraph 9(2) of the Schedule to “some condition” do not include an arrangement relating to the amount payable only by such persons.”.

*Prices of petrol to be indicated on price display premises*

5. Article 6 shall be renumbered 6(1) and thereafter there shall be added the following paragraph—

“(2) The price indicated under paragraph (1) in respect of any grade of petrol shall be the price calculated by reference to the same method of payment and the same circumstances as are indicated on the pump for that grade pursuant to Article 3.”.

*Indication at point of payment*

6. After Article 6 there shall be added the following Article—

*“Indication at point of payment*

7.—(1) On any premises where petrol is for sale by retail, at the point where the payment therefor is made there shall be made available by the person making the sale a written statement of—

- (a) any method of payment (being a method of payment accepted by that person) to which the price he has indicated pursuant to Article 3 does not apply; and
- (b) either
  - (i) the price which is applicable to each method mentioned in sub-paragraph (a); or
  - (ii) the difference between the price applicable to each such method of payment and the price that person has marked on the pumps pursuant to Article 3 and paragraph 4(1) of the Schedule expressed (as the case may require) as an addition to, or a deduction from, that price in terms of a percentage thereof or an amount of money.

(2) The statement referred to in paragraph (1) shall comply with Part I of the Schedule and shall be—

- (a) clear and legible, and
- (b) in a prominent position and at all times readily discernible and easily read by the purchaser at that point of payment.”.

*Indication of prices*

## 7. In the Schedule—

(a) at the end of paragraph 1(f) for the full stop there shall be substituted “; and” and thereafter there shall be added the following sub-paragraph—

“(g) every indication of, and any statement made under Article 7(1) relating to, the price shall be in respect of the price which is applicable to the sale of the petrol at the time it is sold and, where that price differs according to the time it is sold, every indication or statement that is required under Articles 3, 6 or 7 shall be varied so as to reflect the appropriate price at that time.”;

(b) in paragraph 4(1)(a) and (b) the word “cash”, whenever it occurs, shall be omitted;

(c) for paragraph 4(3) there shall be substituted the following sub-paragraph—

“(3) Where a person charges a different price in different circumstances (whether it be according to the method by which payment is made, or for part only of a gallon or of a litre, for a quantity below a minimum quantity calculated by reference to volume or value, or in some other circumstances other than according to the time of sale), the indication to be marked on the pump under sub-paragraph (1) shall include a written statement of—

(a) any method of payment (being a method of payment accepted by the person giving the indication) to which, and any other applicable circumstance in which, the price he has indicated does not apply; and

(b) either

(i) the price applicable to each method of payment and other applicable circumstance mentioned in sub-paragraph (a); or

(ii) the difference between the price applicable under each such method of payment and in other applicable circumstance, and the price that person has marked on the pump pursuant to paragraph (1) expressed (as the case may require) as an addition to, or a deduction from, that price in terms of a percentage or an amount of money.”;

(d) in paragraph 9(1) the words “shall be of the cash price and” shall be omitted; and

(e) for paragraph 9(2) there shall be substituted the following sub-paragraph—

“(2) Where a price indicated under Article 6 is dependent on the fulfilment of some condition (whether it be that the purchase shall be of whole gallons or litres of petrol or of a minimum quantity calculated by reference to volume or value, the method of payment, or some other condition other than according to the time of sale), the indication of price shall, subject to paragraph (3), include the nature of the condition, or of each such condition, in question.

(3) Where the condition referred to in paragraph (2) is the method of payment, only one specified method of payment applicable to the price indicated need be included on the indication of price.”.

Sealed with the Official Seal of the Department of Economic Development on 1st July 1991.

(L.S.)

*A. H. McAlister*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order further amends the Price Marking (Petrol Price Display) Order (Northern Ireland) 1980.

The principal changes are as follows:

- (a) the price indicated on the pump and the voluntary roadside price display for any grade of petrol need not be the lowest price at which petrol may be purchased for cash (Articles 4 and 7(b) and (d));
- (b) the price for any grade of petrol indicated on the voluntary roadside price display must relate to the same method of payment and the same circumstances as the price indicated on the pump (Article 5);
- (c) the price and any statement about the circumstances in which different prices are charged which are indicated on the pump, on the voluntary roadside price display and at the point of payment shall be that applying at the time of sale (Article 7(a));
- (d) a statement at the pump must show the circumstances (including different methods of payment but excluding different times) in which a price different from the one indicated on the pump applies. The statement must also show either the price payable under such other circumstances or the difference between the price payable under such other circumstances and the price marked on the pump (Article 7(c));
- (e) if a price indicated on the voluntary roadside price display is dependent on the method of payment one specified method of payment applicable to the price must be indicated, and if the price is dependent on the time of sale this condition need not be indicated (Article 7(e)); and
- (f) a statement must be given at the point of payment of any acceptable method of payment to which the price indicated on the pump does not apply. The statement must also show either the price payable under such other method or the difference between the price payable by such other method and the price marked on the pump (Article 6).